
**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

Commodity Futures Trading Commission, *et al*,

Plaintiffs,

v.

TMTE, INC. a/k/a Metals.com, Chase Metals Inc., Chase Metals, LLC, Barrick Capital, Inc., Lucas Thomas Erb a/k/a Lucas Asher a/k/a Luke Asher, and Simon Batashvili,

Defendants.

**DECLARATION OF
SIMON BATASHVILI**

Case No. 3:20-CV-2910-L

Judge Sam A. Lindsay

I, Simon Batashvili, declare that I am over 18 years old and have personal knowledge of the facts set forth below:

1. I was born in the Republic of Georgia, which, at that time, was part of the Soviet Union. I moved to the United States as a young child so my family could escape religious persecution.

2. After attending school, I worked in real estate and real estate finance from roughly 2001-2009, including at some of the top real estate financial brokerages in Los Angeles. I eventually helped found a real estate financial company that serviced the needs of real estate buyers.

3. At the same time, I helped develop a business model that assisted first time homebuyers in purchasing single-family homes in the foreclosure market following the 2008 financial crisis.

4. Following a long interest in precious metals, I decided to enter the retail coin industry and obtained employment as an account executive with retail coin dealer Goldline, where I met Lucas Asher.

5. In 2016, Asher and I decided to leverage our experience in the metals industry to launch an online retail metals site that would help pioneer offering customers the option to purchase bullion coins online without having to speak to commission-earning sales representatives.

6. While working in the retail coin industry, I continued to invest in multi-family and commercial properties.

7. I also worked with Lucas Asher in putting together a team of engineers for a music streaming company, and I invested in several pre-IPO technology companies such as SpaceX, Pinterest, Robinhood, Adaptive Biotechnologies, Palantir and many more.

8. I was also a board member for an organization that is dedicated to improving the lives of children by providing arts education to underserved public schools & communities.

9. When I agreed to the Individual Consent Order, dated October 14, 2020, I did not have a full understanding of the parallel criminal investigation, the complexities of the legal issues at play in this action, the magnitude of fees I would incur to fight the accusations against me, or the fact that my lawyer would be closing his law firm.

10. Many of the records that would show the source of my frozen assets are in the possession of the Receiver, having been stored in the same location as the records for metals.com and Barrick, and thus seized during the FBI raid on those offices.

11. I believe that if I am provided access to these records, I will be able to identify frozen assets that are unrelated to any alleged wrongdoing.

12. For example, some of the frozen assets include college savings accounts for my children, which include assets that were provided by unconnected third parties.

13. I am willing to work and/or operate businesses outside of the commodities space and use the income generated from that unrelated employment for attorneys' fees.

14. In January 2021, my counsel, Arnold Spencer, informed me that he had taken a new position and would be closing his law firm. Mr. Spencer did not file a motion to withdraw for several weeks. Since informing me of his decision to leave private practice, Mr. Spencer has stopped providing legal advice and has stated that he does not intend to work on my case.

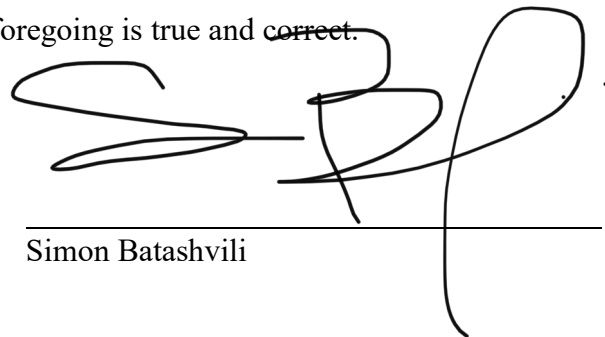
15. With regard to filings and correspondence, Mr. Spencer forwards materials to Asher and me, but he will not assist us with responding to them.

16. I do not have counsel to advise me with regard to the Receiver's February 1, 2021 Motion for Order Establishing Claims Adjudication Process. I also do not have counsel to advise me in how to respond to requests for information from Plaintiffs and the Receiver, which I fear could lead to me being held in contempt for failing to comply with their requests.

17. I do not intend, and I am not willing, to agree to proceed *pro se* in this action.

I declare under penalty of perjury that the foregoing is true and correct.

DATED this 30th day of March, 2021.



Simon Batashvili